IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6454 OF 2006

Ramzan A. Khatri ..Petitioner

versus

State of Maharashtra ..Respondents

Mr. A. S. Mishra i/b. Mr. S. K. Chaursia for the Petitioner.

Mrs. Cardozo, AGP for the State.

Mr. R. A. Thorat, for the Respondents No. 3 to 11.

CORAM : D. G. DESHPANDE, J.

DATE : 31ST JANUARY, 2007

P.C. :

1. Heard Advocate for the Petitioner and the Respondents.

2. Petitioner wanted to join as defendants in Suit No. 999 of 2005 filed before the City Civil Court by the Respondent No.3 to 11 against the Municipal Corporation of Greater Mumbai. Petitioner took out Chamber Summons for that purpose. Chamber Summons was dismissed and hence this Writ Petition.

3. Petitioner claims that he is the co-owner of the plot upon which structures of the Respondents are standing. However, he did not produce any document in support of his contention. Therefore, the Judge of the City Civil Court was fully justified in dismissing the Chamber Summons. Counsel for the petitioner states that the petitioner has in his possession copy of a decree supporting his contention of being co-owner of the plot in question. If that be so, liberty is granted to the Petitioner to take out fresh Chamber Summons along with documents of ownership and title of the plot, and other necessary documents. If such a Chamber Summons is taken out, the court may decide it on its own merits without reference to the other orders. If such a Chamber Summons is taken out by the petitioner, he will have to serve the Respondents in advance with the copy of all the documents. Petition stands disposed of with the aforesaid liberty to the Petitioner.

(D.G. DESHPANDE, J.)